

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, FEBRUARY 13, 2008

I. CALL TO ORDER/ROLL CALL

- Mayor Pro-Tem Binnie called the meeting to order at 7:00PM. Council members in attendance: Ratzlaff, Bhardwaj, Fulkerson. **Mayor Lin was absent.**
- City Staff in attendance: City Manager Steve Albright, City Engineer Steve Allen, City Clerk Gabriel Adams, Police Chief Ken Thraillkill, TPW Director Bryan Buckman, Assistant City Clerk Robin Fraser, and City Attorney Paul Hagen.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Binnie: Move agenda item 4 up to 1*. Move consent agenda item 1 to regular agenda for discussion.

**Chief Thraillkill surprised the Council and Staff with a discovery he made regarding the handling of agenda item 4 (Brown Act Violation). He noted that the City's Ethics Code requires items of this nature be handled first on the agenda.*

*Motion (Bhardwaj/Ratzlaff) to approve the agenda as amended. **Passed 4-0.***

VI. APPROVAL OF MINUTES

January 09, 2008 cc

*Motion (Fulkerson/Bhardwaj) to approve the minutes as written. **Passed 4-0.***

January 23, 2008 cc2

*Motion (Fulkerson/Ratzlaff) to approve the minutes as written. **Passed 4-0.***

January 25, 2008 scc

Minutes to be submitted at a future meeting.

VII. COMMISSIONERS REPORTS

Binnie - Parks and Recreation, Streets

TPW: PG&E under-grounding project is underway. On March 17 a meeting will be held by the Gateway Committee to discuss Caltrans plans for retrofitting the overpass.

Plan specifications for Sebring drainage project have been sent to the Coastal Conservancy for approval and funding consideration.

Bhardwaj – Health & Human Services, Planning

Health: Announced the upcoming village keeper list of events.

Planning: Reported on January 16 Planning Commission meeting, and on the upcoming February 20 agenda. Also announced that a group of residents are looking into setting up a small fitness center in town, and will likely request support from the City in the future as their plans develop. Terry Huff and Richard Johnson are leading the effort.

Lin – Water, Town Hall - **Absent**

Fulkerson – Public Safety - **Deferred to Police Chief's report.**

Ratzlaff – Finance - **Nothing to report.**

VIII. STAFF REPORTS

City Manager - Albright: Future agendas will include a Staff Activity Report. This report will inform the Council and public of ongoing projects. I will also be reporting on the City's financial status each month, and the City Clerk's office is working toward making the entire Council packet available online.

City Attorney – Hagen: Completed the impartial analysis of Measure A (the upcoming 1% sales tax increase election) which will be printed in the sample ballot. Also, the Sebring/City drainage project documents have been signed.

Police Chief – Thrailkill – Announced arrests, service calls, and statistics.

TPW Director Buckman - The wrong standby generator for the Water Treatment Plant was delivered and sent back to the warehouse. The right one is on its way.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Jim Cuthbertson – Trinidad

Do we talk to the City Manager or Commissioners about City issues? Also, the Council would have saved everyone 3 hours if they answered Barbara Snell's question at the February 02 meeting. ☺

Dean Heyenga –Trinidad

Certain Council decisions can be overturned, but others may alter Trinidad forever. The Council is facing 2 decisions that could permanently change Trinidad; 1) transfer of the Tsurai Village site, and 2) Coast Guard property transfer on Trinidad Head. According to the City Clerk's office, 2 unnoticed meetings have been held regarding the Tsurai Village site transfer but no public input has been sought. What is the Council's plan to open the discussion to the public?

Council member Fulkerson assured Heyenga that this will be an open process and that no decisions have been made. City Attorney Hagen explained that the meetings are pre-negotiation meetings, not negotiation meetings, and that he will advise the Council to hold public meetings to discuss the issue.

Richard Johnson – Trinidad Area

Thanked the City and staff for assistance with the 2008 Clam Beach run. Over 700 runners participated and no injuries were reported.

Glenn Saunders – Trinidad

Residents should be kept informed of City business.

X. **CONSENT AGENDA** - Moved to the regular agenda for discussion.

1. Approval of task order agreements between the City of Trinidad and Winzler & Kelly; 1) Main & Trinity HR3, 2) Azalea & Pacific STIP Project, and 3) Park & Museum Road TE Project. (City Manager/City Engineer)
City Manager Albright gave a brief presentation of the item, and City Engineer Steve Allen followed up with answers to public questions & comments.

*Motion (Fulkerson/Bhardwaj) to approve consent agenda item 1. **Passed 4-0.***

XI. AGENDA ITEMS

1. Discussion/Decision regarding resolution 2008-03; adoption and approval of the Trinidad Operational Area Hazard Mitigation Plan. (Fulkerson/Thrailkill)
Police Chief Thrailkill explained that in March of 2006, a coalition of Humboldt County cities and special services districts embarked on a planning process to prepare for and lessen the impacts of specified natural hazards. Responding to federal mandates in the Disaster Mitigation Act of 2000, the coalition was formed to pool resources

and create a uniform hazard mitigation strategy that can be consistently applied to the defined planning area and used to ensure eligibility for specified grant funding sources.

The 25 member coalition partners involved in this program included the County of Humboldt, all 7 incorporated cities, and 16 special services districts. The result of the organizational efforts has been to produce a FEMA and State Office of Emergency Services (OES) approved multi-agency, multi-hazard mitigation plan including a countywide flood mitigation plan. Adoption of Resolution 2008-03 accepting the City's section of the Humboldt Operational Area Hazard Mitigation Plan will allow the City, with collective support from the County, to become eligible to apply for hazard mitigation project funding from multiple sources.

There was no public comment on this item.

*Motion (Fulkerson/Binnie) to approve Resolution 2008-03, adopting the Trinidad Operational Area Hazard Mitigation Plan. **Passed 4-0.***

2. Discussion/Decision regarding Edwards Street traffic issues. (Bhardwaj/Binnie)

Councilmember Bhardwaj explained that residents have complained of traffic conditions on Edwards St. Problems include both excessive vehicular speeds, poor visibility in some areas, and lack of traffic signage.

Possible solutions suggested by both City staff and members of the public include:

- Improve visibility for drivers entering Edwards St. from private driveways by trimming vegetation, and prohibiting parking 10 feet on each side of driveway entrance.
- Improve signage such as posting speed limit signs in clearly, mark bicycle & pedestrian lands, and paint double yellow lines around sharp curves.
- Install speed bumps, humps, tables, or cushions – as seen in Jacoby Creek school zone.
- Increase enforcement.

Staff comment included:

Police Chief Thrailkill gave his own presentation, and reminded the Council that traffic enforcement and control is his area of expertise and that city ordinance gives him authority to make traffic related decisions.

Public comment included:

Robin Fraser – Edwards Street resident.

Were temporary speed humps ever installed on Edwards Street? If so, what type of feedback was received?

Dean Heyenga – Edwards Street resident.

I was on the Council when the striping of Edwards was done. The purpose of prohibiting parking on the south side of Edwards was to create a safe pedestrian walkway. The downhill lane is too narrow, but a possible solution would be to reevaluate the lane width and re-stripe accordingly. Allowing parking on the south side would be a huge mistake. I'm not aware of one accident that has occurred on Edwards Street in at least the past 10 years. People use common sense.

Glenn Saunders – Trinidad

Before making any decisions or changes to striping, vegetation, or signage, the Council should notify all residents that may be affected.

Jason Richie – Trinidad Bay Bed & Breakfast

Speeding is an issue, and long-term parking along the bluff should also be addressed.

Kim Binnie – Trinidad

The safety of the pedestrian walkway should not be compromised.

Mike Morgan – Edwards Street resident

No more signs, please. Speeding is an issue on Edwards St. and should be addressed somehow. Agreed with Saunders that property owners should be notified of any changes.

Council comments included:

Fulkerson: We should proceed cautiously, and take a broad look at the streets and alternatives that discourage speeding, don't add additional signage, and preserve the village character of Trinidad. Also supports the idea of contacting affected property owners.

Bhardwaj: Would like to consider 1) paint curbs red 10 feet on each side of driveway, 2) Have TPW trim vegetation to improve visibility, and 3) direct the Police Chief to review signage and bring back recommendations to the Council.

City Attorney Hagen suggested that the Council avoid getting caught up in the "minutia" of such decisions and look to City management and staff to draft recommendations for Council consideration.

Item tabled to a future meeting. Staff should work with the City Manager and Council to create a list of recommendations for Council consideration.

3. Discussion/Decision regarding granting a Coastal Development Permit exemption to Verizon Wireless for installation of an Appleton Plug on their equipment on Trinidad Head. (Binnie)

Mayor Pro-Tem Binnie explained that on March 07, 2007 the City received a letter from Complete Wireless Consulting, Inc. (representing Verizon Wireless), asking for the City's consent to install an Appleton Plug to it's facility on Trinidad Head. Mayor Lin forwarded this letter to the North Coast District Office of the California Coastal Commission in Eureka asking for their comments regarding this application.

On September 11, 2007, the City received a letter from the North Coast District Office of the California Coastal Commission in response to Mayor Lin's inquiry. In this letter, Mr. Jim Baskin indicated that the City may exempt this installation from the requirements of securing a coastal development permit as long as the fixture would not be, and then he listed a number of restrictions, such as shown below:

- *A detached improvement to the existing telecommunications structure.*
- *[. . .] in an area designated as highly scenic in a certified land use plan.*
- *[. . .] in an environmentally sensitive habitat area.*
- *Entail an improvement to a structure which changes the intensity of use of the structure.*

Binnie concluded that because the generator would be a detached improvement to the site, would be in a highly scenic area designated as Open Space, would be located in an environmentally sensitive area where polluted runoff could flow into Trinidad Bay, an Area of Special Biological Significance, and because the generator would increase the intensity of the use of the structure, the City should not grant an exemption to a coastal development permit.

Mayor Lin also sent a letter to Complete Wireless dated October 2, 2007 seeking clarification of a number of questions regarding the generator that would be used on the site. The City received a response from Complete Wireless on December 4, 2007 addressing Mayor Lin's concerns. In Binnie's opinion, the letter does not adequately answer the questions and concerns regarding the proposed generator.

The City has received two other recommendations regarding the City issuing a coastal development permit exemption for the installation of this device. On November 21, 2007, the City received a letter from a well respected, local Environmental Planner, Aldaron Laird, stating the following:

The City must find that the proposed installation of an emergency generator unit and an Appleton Plug at the telecommunications facility on Trinidad Head is a development that does not qualify for a CDP exemption pursuant to the exceptions cited by the Commission's Executive Director. Further, the City must find that the proposed installation of an emergency generator unit at the telecommunications facility is for a commercial use which the City's certified LCP prohibits on Trinidad Head. The City must deny this application and should notify its lessee that further expansion of the telecommunications facility is prohibited.

Finally, on January 4, 2008, the City received a memorandum from Trever Parker, our City Planner, regarding this issue. Her determination was as follows:

*[. . .] because there are no exemptions allowed within an Open Space zone, and Trinidad Head is all in Open Space
[. . .] City staff would determine that the proposed project does meet the definition of development, and is not
exempt from Coastal Development Permit requirements due to it's location within an Open Space Zone.*

Public comment included:

Brad Twoomey – Trinidad

Urged the Council not to approve Verizon's proposal. He argued that other options exist such as upgrading the battery back-up capability or enter into roaming agreements w/competitors with nearby facilities.

Mike Morgan – Trinidad, Planning Commission Chair

The Planning Commission made recommendations to the Council that included, 1) not to allow further development, and 2) not to renew contract.

Bill Taylor – Verizon Representative

Displayed an Appleton Plug for the Council and public to examine, and argued that Verizon was working with the City to come up with an alternative solution to a permanent generator installation. He asked that the discussion be focused on the Appleton Plug proposal, not on U.S. Cellular facilities nor future development risk. He further explained that the generator would be delivered to the site only when necessary.

Jim Cuthbertson – Trinidad

Did the Rancheria get permission to install the same plug to the Harbor and restaurant?

Bill Harkins – Trinidad

In an emergency situation we want to maintain communications, right? This is getting out of hand. Give Verizon permission to install the plug and move on.

Cindi Lindgren – Advocate for Tsurai Ancestral Society interests

(Complete statement on file at City Hall) In summary, Lindgren urged the Council to uphold the City's Certified Local Coastal Plan and uphold the Coastal Commission's directive to decommission the current facilities on Trinidad Head when the contracts expire. Until Verizon can prove that the Appleton Plug is sufficient and the best alternative, they should be told, NO. Trinidad Head is designated Open Space, was a gift from the BLM to the City for recreational purposes, and is a sacred place to the Yurok Tribe.

Kim Binnie – Trinidad resident & Friends of Trinidad Head representative

(Complete statement on file at City Hall) Agreed with Lindgren that the City should comply with existing ordinance and deny the request.

Glenn Saunders - Trinidad

I've been in Trinidad during big emergencies when Trinidad was isolated due to highway closures and extended power outages. Emergencies happen, and Trinidad should do everything it can to encourage strong communications systems.

Naomi Silvertree – Trinidad

I have never had a problem with my land-line during power-outages. To have silence in nature is a great treasure. Say no to Verizon.

Council comments included:

Fulkerson: The bottom line is that mistakes have been made in the past, and we're trying to correct them. The Planning Commission recommended bringing Trinidad Head back to its natural state, and that no further development be allowed. **Bhardwaj** agreed.

*Motion (Binnie/Ratzlaff) that the Council deny an exemption for a coastal development permit to install an Appleton Plug that would allow attachment of a generator to Verizon Wireless' equipment on Trinidad Head. **Passed 4-0.***

4. Discussion/Decision regarding an alleged violation of the Brown Act. (Ratzlaff)

Moved to the top of the agenda. Councilmember Ratzlaff explained that members of the community have expressed concern regarding information from a council closed session item regarding the hiring of the City Manager was revealed in an improper manner. The Council must investigate, and if necessary correct and inform

the public of its actions. A resident is seeking a full investigation, and indicated a possible referral of what he feels is a serious Brown Act violation to the grand jury.

Staff comment included:

City Attorney Hagen: The motion is to investigate. I am aware of the alleged violation, and the issue has been taken very seriously. The Council, pursuant to the motion, may only decide to pursue an investigation tonight - NOT hold a public investigation.

Public comment included:

Jim Cuthbertson – Trinidad

I'm tired of the Council violating the Brown Act and sweeping them under the rug. I want the Police Chief to investigate.

Terry Marlow – Trinidad

The City Council may fire the City Manager at any time. It's not appropriate to ask the Manager to investigate the Council.

City Attorney Hagen suggested that the Council direct the City Manager to investigate. The manager has the authority to direct the Police Chief to investigate if necessary. The fact that the City Manager is conducting an investigation does not foreclose anything.

*Motion (Fulkerson/Binnie) to direct the City Manager to investigate possible Brown Act violations by the Council in the City Manager hiring process. **Passed 4-0.***

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Council meeting ended at 10:05pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Stan Binnie
Mayor Pro-Tem